

***A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS
HELD OCTOBER 4, 1999 AT 1:30 P.M. IN WARRENTON, VIRGINIA***

P R E S E N T Mr. Larry
L. Weeks, Chairman;
Mr. Joe Winkelmann,
Vice Chairman; Mr.
Wilbur W. Burton; Mr.
James R. Green, Jr.;
Mr. David C. Mangum;
Mr. G. Robert Lee,
County Administrator;
Mr. Paul S. McCulla,
County Attorney

BRIEFING ON THE HIGH GROWTH COALITION

Vice Chairman Winkelmann gave an update on activities regarding the High Growth Coalition.

**A PRESENTATION ON THE RESULTS OF THE NEEDS ASSESSMENT AND THE COURT
FACILITY MASTER PLAN**

Representatives of the National Center for State Courts presented the results of the Needs Assessment and the Court Facility Master Plan.

DISCUSSION OF THE STATUS OF COUNTY STAFF PREPARATION FOR Y2K

A work session was held to give an update on the status of staff preparation for Y2K.

PRELIMINARY PROFFER METHODOLOGY REPORT

A work session was held to give a preliminary report on the Planning Commission's recommendation on refinements to the proffer policy.

BRIEFING ON THE PROPOSED AUDITORIUM LOCATED IN BEALETON

Interested citizens in the community gave a briefing on the proposed auditorium located in Bealeton.

The meeting was reconvened in Regular Session at 6:30 p.m. in the Warren Green Meeting Room.

ADOPTION OF THE AGENDA

Mr. Winkelmann moved to adopt the Agenda. Mr. Burton seconded, and the vote for the motion was 4 to 0 as follows:

*Ayes: Mr.
Larry L.
Weeks; Mr.
Joe
Winkelmann;
Mr. Wilbur W.
Burton; Mr.
David C.
Mangum*

Nays: None

*Absent During
Vote: Mr.
James R.
Green, Jr.*

*Abstention:
None*

CITIZENS TIME

Carolyn Faller spoke in favor of extending the Virginia Railway Express services to Southern Fauquier County. Ms. Faller presented a petition with over 600 signatures in favor of this service.

Rick Dorkey asked that Board members respond to allegations that Community Development ignored County ordinances in approving specific requests for the Virginia Power Plant.

Chester Stribling, representing the Southern Fauquier Business Owners Association, presented a letter and resolution in support of extending the Virginia Railway Express services to Southern Fauquier County.

Virginia Dorkey, representing Jan Barbano, read a letter that stated Ms. Barbano still was not satisfied with getting answers to her concerns regarding the Virginia Power Plant.

Carl Faller spoke in favor of extending the Virginia Railway Express services to Southern Fauquier County.

CONSENT AGENDA

Mr. Mangum moved to adopt the following Consent Agenda items. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr.
Larry L.
Weeks; Mr.
Joe
Winkelmann;
Mr. Wilbur W.
Burton; Mr.
James R.
Green, Jr.;
Mr. David C.
Mangum*

Nays: None

*Absent During
Vote: None*

*Abstention:
None*

Approval of the Minutes of the September 7, 1999 and September 20, 1999 Regular Meetings

Approval of a Correction to the Minutes of the March 2, 1999 Regular Meeting

A Resolution Authorizing the Issuance of Not to Exceed \$3,500,000 General Obligation School Bonds, Series 1999A, of the County of Fauquier, Virginia, to be Sold to the Virginia Public School Authority and Providing for the Form and Details Thereof

RESOLUTION

A RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$3,500,000
GENERAL OBLIGATION SCHOOL BONDS, SERIES 1999a, OF THE COUNTY OF
FAUQUIER, VIRGINIA, TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY
AND PROVIDING FOR THE FORM AND DETAILS THEREOF

WHEREAS, the Board of Supervisors (the "Board") of the County of Fauquier, Virginia (the "County"), has determined that it is necessary and expedient to borrow an amount not to exceed \$3,500,000 and to issue its general obligation school bonds for the purpose of financing certain capital projects for school purposes; and

WHEREAS, the County held a public hearing, duly noticed, on August 2, 1999, on the issuance of the Bonds (as defined below) in accordance with the requirements of Section 15.2-2606, Code of Virginia 1950, as amended, (the "Virginia Code"); and

WHEREAS, the School Board of the County has, by resolution, requested the Board to authorize the issuance of the Bonds and consented to the issuance of the Bonds;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FAUQUIER, VIRGINIA:

1. Authorization of Bonds and Use of Proceeds. The Board hereby determines that it is advisable to contract a debt and issue and sell its general obligation school bonds in an aggregate principal amount not to exceed \$3,500,000 (the "Bonds") for the purpose of financing certain capital projects for school purposes. The Board hereby authorizes the issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution.

2, Sale of the Bonds. It is determined to be in the best interest of the County to accept the offer of the Virginia Public School Authority (the "VPSA") to purchase from the County, and to sell to the VPSA, the Bonds at a price, determined by the VPSA to be fair and accepted by the Chairman of the Board and the County Administrator, that is not less than 98% of par and not more than 103% of par upon the terms established pursuant to this Resolution. The Chairman of the Board, the County Administrator, and such officer or officers of the County as either may designate are hereby authorized and directed to enter into a Bond Sale Agreement dated as of October 12, 1999, with the VPSA providing for the sale of the Bonds to the VPSA in substantially the form submitted to the Board at this meeting, which form is hereby approved (the "Bond Sale Agreement").

3. Details of the Bonds. The Bonds shall be dated the date of issuance and delivery of

the Bonds; shall be designated "General Obligation School Bonds, Series 1999A;" shall bear interest from the date of delivery thereof payable semi-annually on each January 15 and July 15 beginning July 15, 2000 (each an "Interest Payment Date"), at the rates established in accordance with Section 4 of this Resolution; and shall mature on July 15 in the years (each a "Principal Payment Date") and in the amounts set forth on Schedule I (the "Principal Installments"), subject to the provisions of Section 4 of this Resolution.

4. Interest Rates and Principal Installments. The County Administrator is hereby authorized and directed to accept the interest rates on the Bonds established by the VPSA, provided that each interest rate shall be ten one-hundredths of one percent (0.10%) over the interest rate to be paid by the VPSA for the corresponding principal payment date of the bonds to be issued by the VPSA (the "VPSA Bonds"), a portion of the proceeds of which will be used to purchase the Bonds, and provided further that the true interest cost of the Bonds does not exceed six and one-half percent (6 ½%) per annum. The Interest Payment Dates and the Principal Installments are subject to change at the request of the VPSA. The County Administrator is hereby authorized and directed to accept changes in the Interest Payment Dates and the Principal Installments at the request of the VPSA, provided that the aggregate principal amount of the Bonds shall not exceed the amount authorized by this Resolution. The execution and delivery of the Bonds as described in Section 8 hereof shall conclusively evidence such interest rates established by the VPSA and Interest Payment Dates and the Principal Installments requested by the VPSA as having been so accepted as authorized by this Resolution.

5. Form of the Bonds. The Bonds shall be initially in the form of single, temporary typewritten bonds substantially in the form of Exhibit A.

6. Payment; Paying Agent and Bond Registrar. The following provisions shall apply to the Bonds:

(a) For as long as the VPSA is the registered owner of the Bonds, all payments of principal, premium, if any, and interest on the Bonds shall be made in immediately available funds to the VPSA at, or before 11:00 a.m. on the applicable Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next preceding such Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption.

(b) All overdue payments or principal and, to the extent permitted by law, interest shall bear interest at the applicable interest rate or rates on the Bonds.

(c) Crestar Bank, Richmond, Virginia, is designated as Bond Registrar and Paying Agent of the Bonds.

7. Prepayment or Redemption. The Principal Installment of the Bonds held by the VPSA

coming due on or before July 15, 2010, and the definitive Bonds for which the Bonds held by the VPSA may be exchanged that mature on or before July 15, 2010, are not subject to prepayment or redemption prior to their stated maturities. The Principal Installments of the Bonds held by the VPSA coming due after July 15, 2010, and the definitive bonds for which the Bonds held by the VPSA may be exchanged that mature after July 15, 2010, are subject to prepayment or redemption at the option of the County prior to their stated maturities in whole or in part, on any date on or after July 15, 2010, upon payment of the prepayment or redemption prices (expressed as percentages of Principal Installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

Dates Prices

July 15, 2010, through July 14, 2011 102%

July 15, 2011, through July 14, 2012 101

July 15, 2012, and thereafter 100%

Provided, however, that the Bonds shall not be subject to prepayment or redemption prior to their stated maturities as described above without first obtaining the written consent of the registered owner of the Bonds. Notice of any such prepayment or redemption shall be given by the Bond Registrar to the registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption.

8. Execution of the Bonds. The Chairman or Vice Chairman and the Clerk or any Deputy Clerk of the Board are authorized and directed to execute and deliver the Bonds and to affix the seal of the County thereto.

9. Pledge of Full Faith and Credit. For the prompt payment of the principal of and premium, if any, and the interest on the Bonds as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any of the Bonds shall be outstanding there shall be levied and collected in accordance with the law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and premium, if any, and the interest on the Bonds as such principal, premium, if any, and interest shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

10. Use of Proceeds Certificate and Certificate as to Arbitrage. The Chairman of the Board, the County Administrator and such officer or officers of the County as either

may designate are hereby authorized and directed to execute a Certificate as to Arbitrage and a Use of Proceeds Certificate, each setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and applicable regulations relating to the exclusion from gross income of interest on the Bonds and on the VPSA Bonds. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in such Certificate as to Arbitrage and such Use of Proceeds Certificate and that the County shall comply with the other covenants and representations contained therein and (ii) the County shall comply with the provisions of the Code so that interest on the Bonds and on the VPSA Bonds will remain excludable from gross income for Federal income tax purposes.

11. State Non-Arbitrage Program; Proceeds Agreement. The Board hereby determines that it is in the best interests of the County to authorize and direct the County Treasurer to participate in the State Non-Arbitrage Program in connection with the Bonds. The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Bonds by and among the County, the other participants in the sale of the VPSA Bonds, the VPSA, the investment manager and the depository, substantially in the form submitted to the Board at this meeting, which form is hereby approved.

12. Continuing Disclosure Agreement. The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute a Continuing Disclosure Agreement, as set forth in Appendix F to the Bond Sale Agreement, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12 and directed to make all filings required by Section 3 of the Bond Sale Agreement should be County be determined by the VPSA to be a MOP (as defined in the Continuing Disclosure Agreement).

13. Filing of Resolution. The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County.

14. Further Actions. The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Bonds and any such action previously taken is hereby ratified and confirmed.

15. Effective Date. This Resolution shall take effect immediately.

A Resolution to Adopt a Policy of Non-Discrimination as Part of the Contract Negotiation Process for the Botha Housing Community Improvement Grant (CIG)

RESOLUTION

A RESOLUTION TO AUTHORIZE THE County ADMINISTRATOR

TO SIGN A NON-DISCRIMINATION POLICY IN SUPPORT OF THE
BOTH A HOUSING COMMUNITY IMPROVEMENT GRANT (CIG).

WHEREAS, the Commonwealth of Virginia awarded Fauquier County a Community Development Block Grant on July 21, 1999 in the sum of \$488,439, for the Botha Community Improvement Project; and

WHEREAS, during the pre-contract phase, Fauquier County must formally adopt a policy stating that they will not discriminate in hiring and employment practices against any individual on the grounds of race, color, religion, sex, national origin, age, or handicap; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 4th day of October 1999, That the Board does hereby direct the County Administrator to sign the attached Non-Discrimination Policy.

FAUQUIER COUNTY

NON-DISCRIMINATION POLICY

The County of Fauquier Virginia or any employee thereof will not discriminate against an employee or applicant for employment because of race, age, handicap, creed, religion, color, sex, or national origin. Administrative and Personnel officials will take affirmative action to insure that this policy shall include, but not be limited, to the following: employment, upgrading, demotion or transfer; rates of pay or other forms of compensation; and selection for training.

A Resolution to Adopt a Local Business and Employment Plan as Part of the Contract Negotiation Process for the Botha Housing Community Improvement Grant (CIG)

RESOLUTION

A RESOLUTION TO ADOPT A LOCAL BUSINESS AND

EMPLOYMENT PLAN IN SUPPORT OF THE BOTH A

HOUSING COMMUNITY IMPROVEMENT GRANT (CIG).

WHEREAS, the Commonwealth of Virginia awarded Fauquier County a Community Development Block Grant on July 21, 1999 in the sum of \$488,439, for the Botha Community Improvement Project; and

WHEREAS, during the pre-contract phase, Fauquier County must formally comply with Section 3 of the Housing and Urban Development Act of 1968 to offer, to the greatest feasible extent, opportunities for training and employment positions to be given to lower income persons residing in the area of the project; and

WHEREAS, Fauquier County must, to the greatest feasible extent, award contracts for work to be performed to business concerns located in the project area or owned in substantial part by persons residing in the project area; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 4th day of October 1999, That the Board does hereby adopt the attached Local Business and Employment Plan.

A Resolution for Fair Housing Certification Required as Part of the Contract Negotiation Process for the Botha Housing Community Improvement Grant (CIG)

RESOLUTION

A RESOLUTION TO AUTHORIZE THE County ADMINISTRATOR
TO SIGN A FAIR HOUSING CERTIFICATION IN SUPPORT OF
THE BOTHA HOUSING COMMUNITY IMPROVEMENT GRANT
(CIG)

WHEREAS, the Commonwealth of Virginia awarded Fauquier County a Community Development Block Grant on July 21, 1999 in the sum of \$488,439, for the Botha Community Improvement Project; and

WHEREAS, during the pre-contract phase, Fauquier County must formally adopt a resolution certifying that it will undertake at least one fair housing activity in each project year that it is under a CIG Grant Agreement; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 4th day of October 1999, That the Board does hereby direct the County Administrator to sign the attached Fair Housing Certification.

FAIR HOUSING CERTIFICATION

Compliance with Title VIII of the Civil Rights Act of 1968

Whereas the County of Fauquier, Virginia has been offered and intends to accept federal funds authorized under the Housing and Community Development Act of 1974, as amended, and

Whereas, recipients of funding under the Act are required to take action to affirmatively further fair housing;

Therefore, the Fauquier County Board of Supervisors agrees to take at least one action to affirmatively further fair housing each grant year, during the life of its project funded with Community Development Block Grant funds. The action taken will be selected from a list provided by the Virginia Department of Housing and Community Development.

A Resolution to Adopt a Residential Anti-Displacement and Relocation Assistance Plan as Part of the Contract Negotiation Process for the Botha Housing Community Improvement Grant (CIG)

RESOLUTION

A RESOLUTION TO ADOPT A RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN AS PART OF THE BOTHA HOUSING COMMUNITY IMPROVEMENT GRANT (CIG)

WHEREAS, the Commonwealth of Virginia awarded Fauquier County a Community Development Block Grant on July 21, 1999 in the sum of \$488,439 for the Botha Community Improvement Project; and

WHEREAS, all CBDG recipients must commit to minimizing project-related displacement of households it imposes; and

WHEREAS, Fauquier County must, prior to signing a contract with the Virginia Department of Housing and Community Development, formally adopt, make public, and certify that it is following a Residential Anti-Displacement and Relocation Assistance Plan; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 4th day of October 1999,

That the Board does hereby adopt the attached Residential Anti-Displacement and Relocation Assistance Plan.

FAUQUIER COUNTY

RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

The County of Fauquier will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate income dwelling units as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended. All replacement housing will be provided within three (3) years of the commencement of the demolition or rehabilitation relating to the conversion program.

Before obligating or expending funds that will directly result in such demolition or conversion, the County of Fauquier will make public and advise the State that it is undertaking such an activity and will submit to the state, in writing, information that identifies:

- a description of the proposed assisted activity;

- the general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activity;

- a time schedule for the commencement and completion of the demolition or conversion;

- the general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;

- the source of funding and a time schedule for the provision of replacement dwelling units;

- the basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy; and

information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the housing needs of low- and moderate-income households in the jurisdiction

The County of Fauquier will provide relocation assistance to each low/moderate-income household displaced by the demolition of housing or by the direct result of assisted activities. Such assistance shall be that provided under Section 104 (d) of the Housing and Community Development Act of 1974, as amended the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

Fauquier County's FY99 project includes the following activities:

The construction of 18 new single family homes on a vacant 24-acre parcel complete with infrastructure.

The activities as planned will not cause any displacement from or conversion of occupiable structures. As planned, the project calls for the use of existing right-of-way or easements to be purchased or the acquisition of tracts of land that do not contain housing. Fauquier County will work with the grant management staff, engineers, project area residents, and the Department of Housing and Community Development to insure that any changes in project activities do not cause any displacement from or conversion of occupiable structures.

In all cases, an occupiable structure will be defined as a dwelling that meets local building codes or a dwelling that can be rehabilitated to meet code for \$25,000 or less.

A Resolution to Authorize Temporary Closure of Business Routes 15/29 Near Remington to Complete Improvements to the Rappahannock River Bridge

RESOLUTION

A RESOLUTION TO AUTHORIZE TEMPORARY CLOSURE

OF BUSINESS ROUTES 15/29 NEAR REMINGTON TO COMPLETE IMPROVEMENTS TO
THE RAPPAHANNOCK RIVER BRIDGE

WHEREAS, the Virginia Department of Transportation has the responsibility to maintain bridge structures in Fauquier County within legal load limits requirements; and

WHEREAS, the Department's Bridge Inspection Program has found existing conditions that will require a lowering of the allowable vehicle load limit on the Business Route 15/29 Rappahannock River Bridge unless repairs are implemented; and

WHEREAS, the Department desires to maintain the legal load limit for the Business

Route 15/29; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 4th day of October 1999, That the Board does hereby give support for the closure of Business Routes 15/29 for forty-five (45) days to expedite repairs and maintain reduced costs as compared to other construction methods.

A Resolution to Authorize a Public Hearing to Consider Granting Virginia Power a Right of Way Easement to Provide Services to the Parks and Recreation Storage Facility Located on Green Road

RESOLUTION

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO CONSIDER

A VIRGINIA POWER EASEMENT FOR SERVICE TO THE PARKS AND RECREATION
STORAGE FACILITY ON GREEN ROAD

WHEREAS, the Fauquier County Board of Supervisors wishes to construct a Parks and Recreation Storage Building on Green Road (Route 674); and

WHEREAS, Virginia Power will have to construct, operate and maintain a pole line without limitation, all wires, pole attachments, ground connections and lighting fixtures as they determine to the Parks and Recreation Facility; and

WHEREAS, the Fauquier County Board of Supervisors acknowledges that Virginia Power has an existing easement on the property and widening the entrance will require Virginia Power to relocate its overhead power pole and lines and will require the right of easement over, under, through, upon, and across the property in Lee District, described on Plat Number 47-99-0032; and

WHEREAS, the Board of Supervisors realizes that Virginia Power will have to inspect, reconstruct, remove, repair, improve, relocate or make changes, alterations, substitutions and additions as may from time to time be deemed advisable; and

WHEREAS, the Board of Supervisors wishes to grant a Right of Way Agreement to Virginia Power to extend service across lands owned by the Fauquier County Board of Supervisors; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 4th day of October 1999, That the Board does hereby authorize a public hearing to consider a Virginia Power easement for service to the Parks and Recreation Storage Facility on Green Road.

A Proclamation to Recognize the Achievements of the 1999 Fauquier County American Babe Ruth 10 and Under District Baseball Team

PROCLAMATION

A PROCLAMATION TO RECOGNIZE THE OUTSTANDING

ACHIEVEMENTS OF THE 1999 FAUQUIER AMERICAN DIVISION

BABE RUTH 10 & UNDER DISTRICT BASEBALL TEAM

WHEREAS, the Fauquier County Board of Supervisors wishes to recognize the outstanding achievements of the players, coaches, team moms and staff of the 1999 Fauquier American Babe Ruth 10 & Under District Baseball Team; and

WHEREAS, in April of 1999 thirteen young men were selected to represent the American Division of Fauquier Youth Baseball in the District 8 10 & Under Tournament; and

WHEREAS, prior to the District Tournament, the Fauquier American Division squad participated in a Memorial Day Tournament held in Manassas, Virginia posting a 3-2 record which was especially notable as this was the first time that these players had participated in competitive play as a team; and

WHEREAS, the Fauquier American Division Squad competed against seven other teams in the District 8 Tournament during July 8-12, 1999 at Fauquier High School finishing first with a record of 4-1, earning the right to play in the Virginia State Tournament which was held during July 15-20, 1999 in Herndon, Virginia; and

WHEREAS, the Fauquier American Division Squad competed with seven other teams from around Virginia in the Virginia State Tournament, again finishing first with a record of 4-0 and earning the right to represent Virginia in the Southeast Regional Tournament; and

WHEREAS, the Fauquier American Division Squad competed with eight other teams in the Southeast Regional Tournament held in Spartanburg, South Carolina during July 29 -August 3, 1999, finishing third out of the nine team field; and

WHEREAS, the Fauquier American Division squad demonstrated skill and perseverance and served as outstanding representatives of Fauquier Youth Baseball and Fauquier County; now, therefore, be it

PROCLAIMED by the Fauquier County Board of Supervisors this 4th day of October 1999, That the Fauquier County Board of Supervisors does hereby recognize and commend the players, coaches, team moms and staff of the Fauquier American Division Babe Ruth 10 & Under District Baseball Team for their outstanding

achievements during the 1999 season.

A Proclamation to Recognize the Outstanding Contributions of Dolores Mary "Dodi" Driscoll to the Disabled Citizens of Fauquier County and as a Member of the Fauquier County Disability Services Board

PROCLAMATION

A PROCLAMATION TO RECOGNIZE THE OUTSTANDING

CONTRIBUTIONS OF DOLORES MARY "DODI" DRISCOLL

TO THE DISABLED CITIZENS OF FAUQUIER COUNTY AND AS A

MEMBER OF THE FAUQUIER COUNTY DISABILITY SERVICES BOARD

WHEREAS, the Fauquier County Board of Supervisors wishes to recognize the lifetime of service of Dodi Driscoll to the citizens of Fauquier County, particularly to persons with disabilities and their families; and

WHEREAS, Dodi Driscoll dedicated her life to improving the lives of people with disabilities including serving with distinction as a member of the Fauquier Citizens for Handicapped Persons, as the President of the Developmental Remington Group Home, as the Secretary of the National Pediatric Physical Therapists Association, as an officer in the Virginia Chapter of the Physical Therapy Association where she reached out to other therapists helping to make a difference within the profession and as a pediatric physical therapist for the Rappahannock-Rapidan Community Services Board where she evaluated patients and planned and executed their treatments; and

WHEREAS, Dodi Driscoll served with distinction as a member of the Fauquier County Disability Services Board from June of 1996 until her death in July of 1999, assisting with the preparation of the Biennial Needs Assessment Reports and working at the annual Transition Fair at Fauquier High School; and

WHEREAS, Dodi Driscoll also played an important role in helping to organize the first Disability Services Board Summit meeting at Airlie in the Spring of 1999 and served as an excellent resource to the Disability Services Board and to all persons with disabilities by providing key information and assistance to those seeking disability services; now, therefore, be it

PROCLAIMED by the Fauquier County Board of Supervisors this 4th day of October 1999, That the Fauquier County Board of Supervisors does hereby recognize and

express its sincere appreciation for the many outstanding and lasting contributions of Dolores Mary "Dodi" Driscoll to the disabled persons and families of Fauquier County; and, be it

PROCLAIMED FURTHER, That the Fauquier County Board of Supervisors does hereby express to the family and friends of Dodi Driscoll its heartfelt condolences.

A Proclamation to Recognize Dwight Campbell, a Virginia Game Warden, for Bravery and Heroism on the Twentieth Anniversary of His Serious Wounding in the Line of Duty

PROCLAMATION

A PROCLAMATION TO RECOGNIZE DWIGHT CAMPBELL,

A VIRGINIA GAME WARDEN, FOR BRAVERY AND HEROISM,

ON THE TWENTIETH ANNIVERSARY OF HIS SERIOUS
WOUNDING IN THE LINE OF DUTY

WHEREAS, the Fauquier Board of Supervisors wishes to recognize the bravery and heroism of Dwight Campbell, a citizen who lived and worked in Fauquier County, on the twentieth anniversary of his severe wounding in the line of duty; and

WHEREAS, Dwight Campbell, then 31 years of age, was a Virginia Game Warden assigned as the Game Refuge Supervisor on the Phelps Wildlife Management Area; and

WHEREAS, Dwight Campbell and his partner Gary Dalton, on October 19, 1979 shortly before 11:00 P.M., were performing a stake out at the foot of Little Cobbler Mountain, located just west of Marshall, Virginia; and

WHEREAS, Officer Campbell, while investigating a suspicious vehicle, was ambushed and severely wounded by two shotgun blasts to his legs, yet was still able to inflict a lethal chest wound upon his assailant; and

WHEREAS, Officer Campbell, who endured years of pain and suffering from his injuries and was forced to retire on disability from the profession he loved, died in 1998 at the age of 51; now, therefore, be it

PROCLAIMED by the Fauquier County Board of Supervisors this 4th Day of October 1999, That on the 20th anniversary of his heroic act, Dwight Campbell is hereby cited for bravery and heroism in the performance of his duties as a Virginia Game Warden.

A Proclamation to Declare the Week of October 3-9, 1999 as Fire Prevention Week

PROCLAMATION

A PROCLAMATION TO DECLARE THE WEEK OF
OCTOBER 3-9, 1999 AS FIRE PREVENTION WEEK

WHEREAS, President Warren G. Harding proclaimed the first Fire Prevention Week in 1922 as the week that includes the date of October 9, the anniversary of the Great Chicago Fire of 1871, to be National Fire Prevention Week; and

WHEREAS, according to the United States Fire Administration, most fire deaths occur during the winter months, December through February, as a direct result of poorly installed, maintained or misused portable heating equipment; and

WHEREAS, the Fauquier County Fire and Rescue Association and its thirteen member companies:

Warrenton VFC (Co. 1) Catlett VFC (Co. 7)

Remington VF&RC (Co. 2) Goldvein VF&RC (Co. 8)

Marshall VFC (Co. 3) Marshall VRS (Co. 9)

The Plains VF&RC (Co. 4) New Baltimore VF&RC (Co. 10)

Upperville VFC (Co. 5) Orlean VFC (Co. 11)

Warrenton VRS (Co. 6) Cedar Run VRS (Co. 12)

Lois VFC (Co. 13)

respond annually to over 6,000 fire emergency incidents involving a threat to life, property, and/or our environment; and

WHEREAS, the Fauquier County Fire and Rescue Association and the Office of Emergency Services acknowledge Fire Prevention Week as the beginning of their fire prevention, education and safety campaign which will last throughout the year; now, therefore, be it

PROCLAIMED by the Fauquier County Board of Supervisors this 4th day of October 1999, That the week of October 3 through October 9, 1999 be, and is hereby, declared Fire Prevention Week; and, be it

PROCLAIMED FURTHER, That all residents of the County are encouraged to participate in fire safety education activities; and, be it

PROCLAIMED FINALLY, That County residents are encouraged to participate in fire prevention behavior during this special week and throughout the year and years to come.

Preliminary Subdivision Application – Spring Meadow Farm

No action was taken.

SPECIAL EXCEPTION – JIMMY L. AND SUSAN M. HALL, OWNERS

At the August 2, 1999 meeting, a public hearing was held to consider a request for special exception approval for Jimmy L. and Susan M. Hall to allow for a reduction in open space. The property is located adjacent to Botha Road (Route 661), Lee District. Mr. Mangum moved to adopt the following resolution. Mr. Burton seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr.
Larry L.
Weeks; Mr.
Joe
Winkelmann;
Mr. Wilbur W.
Burton; Mr.
James R.
Green, Jr.;
Mr. David C.
Mangum*

Nays: None

*Absent During
Vote: None*

*Abstention:
None*

RESOLUTION

A RESOLUTION TO APPROVE SPECIAL EXCEPTION REQUEST

#SE99-L-08 REDUCTION IN OPEN SPACE

JIMMY L. & SUSAN M. HALL

WHEREAS, Jimmy L. & Susan M. Hall, owners/applicants are requesting special exception approval under Category 26 of the Zoning Ordinance for a reduction in open space; and

WHEREAS, the Special Exception Application of Jimmy L. & Susan M. Hall has been properly filed and all required notices of the public hearing have been properly made, and the applicant has presented evidence both oral and documentary, and the staff has a filed staff report, all indicating compliance with the general standards for special exception as set forth in Article 5 of the Zoning Ordinance and the Board further finds that the more restrictive standards of Article 5, Sections 5-2600 and 5-2601 of said Zoning Ordinance are met in this application; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on April 29, 1999 on this special exception request and at its meeting on June 24, 1999, recommended approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 4th day of October 1999, That Special Exception #SE99-L-08, Jimmy L. & Susan M. Hall, (PIN# 6961-80-5335-000) be, and is hereby, approved subject to each of the proposed lots being deed restricted.

SPECIAL EXCEPTION – HEARTH AND HOME DISTRIBUTORS, INC., OWNERS, AND COMMUNITY WIRELESS STRUCTURES, LLC, APPLICANTS

At the September 7, 1999 meeting, a public hearing was held to consider a request for special exception approval for Hearth and Home Distributors, Inc., Owners, and Community Wireless Structures, LLC, Applicants, to amend its previously approved special exception to allow for a twenty (20) foot extension of its existing monopole. The property is located in the New Baltimore Business Park, Scott District. Mr. Weeks moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr.
Larry L.
Weeks; Mr.
Joe
Winkelmann;
Mr. Wilbur W.
Burton; Mr.
James R.
Green, Jr.;
Mr. David C.
Mangum*

Nays: None

Absent During

Vote: None

*Abstention:
None*

RESOLUTION

A RESOLUTION TO DENY SPECIAL EXCEPTION

REQUEST #SEA99-S-03

HEARTH & HOME DISTRIBUTORS, INC., OWNER, AND

COMMUNITY WIRELESS STRUCTURES, LLC, APPLICANT

WHEREAS, Community Wireless Structures, LLC, applicant, wishes to amend a previously approved special exception application (#SE98-S-03) to allow for a twenty-foot (20') extension of the existing 199' monopole which was approved by the Board of Supervisors on August 18, 1998; and

WHEREAS, when the applicant applied for his existing special exception he originally asked for a 240' lattice tower but agreed to build a 199' monopole tower; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on July 29, 1999, on this special exception application and unanimously recommended denial; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 4th day of October 1999, That Special Exception Amendment #SEA99-S-03, Community Wireless Structures, LLC, applicant, and Hearth & Home Distributors, Inc., owner, (PIN #7916-03-1403-000) be denied.

APPOINTMENTS

By unanimous consent, the following appointments were approved:

Jim Koehr appointed to the Industrial Development Authority representing Center District.

Sharon Medvitz appointed to the Social Services Board representing Scott District.

Peggy Christianson appointed to the Community Policy and Management

Team (CPMT) as a Private Provider.

SUPERVISORS TIME

Mr. Mangum thanked everyone for all the cards, letters and prayers during his recent illness.

Mr. Green asked for an update on the status of the historical property book that is in the process of being published.

Mr. Winkelmann thanked Bob Moore, Resident Engineer, and Joe Higgs, Sheriff, for help with a speeding problem in Warrenton Lakes. Mr. Winkelmann asked for Board support in requesting a "Watch for Children" sign for the area.

Mr. Winkelmann expressed concern for potential problems that are to arise with closing of the fire and rescue services at Vint Hill. Board members agreed that this should be discussed and a recommendation forwarded from the Public Safety Task Force.

CONSIDER ISSUANCE OF FAUQUIER COUNTY SEWER REVENUE BONDS IN THE AMOUNT OF \$2.8 MILLION

A public hearing was held to consider authorizing the County Administrator to apply for a loan from the Virginia Resources Authority, to enter into a Sewer Line Construction Agreement with the Fauquier County Water and Sanitation Authority to fund the construction of sewer improvements in the New Baltimore Service District, and to enter into Open Space Land Act Agreements relating to the timing of development in the New Baltimore Service District. Bob Sowder spoke in favor of the request. Charles Moss asked several questions regarding how much of this would serve business and how much would serve residences, how will increased development affect traffic, schools, and other services. No one else spoke. The public hearing was closed. Mr. Weeks moved to table the decision until the October 18, 1999 meeting. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr.
Larry L.
Weeks; Mr.
Joe
Winkelmann;
Mr. Wilbur W.*

*Burton; Mr.
James R.
Green, Jr.;
Mr. David C.
Mangum*

Nays: None

*Absent During
Vote: None*

*Abstention:
None*

FY 2000-2001 SECONDARY ROADS IMPROVEMENT BUDGET AND FY 2000-2001 THROUGH 2005-2006 SIX YEAR PLAN

A joint public hearing was held with the Virginia Department of Transportation to receive citizen comments regarding the FY 2000-2001 Secondary Roads Improvement Budget and the FY 2000-2001 through 2005-2006 Six-Year Plan. The following citizens spoke:

Debra Hutcheson – presented a petition of citizens opposing widening and paving Route 645 (Tapps Ford Road) and to demolishing the existing bridge on Route 645 over the Rappahannock River

Marilyn Tate – presented a petition of citizens asking that Route 794 (Heddings Road) be paved

John King – asked that Nightingale Lane be added to the Secondary Road System through the Rural Additions Program

Galen McBride – spoke in opposition to widening and paving Route 645 (Tapps Ford Road)

Frank Horn – spoke in opposition to paving or widening Routes 734 and 735

Bob Breeden – spoke in favor of improvements to Route 794 (Heddings Road)

John Cassa – asked that Cannonball Gate Road and Bear Wallow Road be paved with no widening

Darlene Grant – asked that Lake Daniel Road be added to the Secondary Road System through the Rural Additions Program

Adrian Stone – asked that Swains Road be graveled and that the Enon School Road/Wilson Road intersection be looked at for safety improvements

Douglas Hytla – presented a petition of citizens opposing widening or paving on Washwright Road or Keyser Road

Pam Quinn – spoke in opposition to widening and paving Route 645 (Tapps Ford Road)

Charles Joseph - asked that Cannonball Gate Road and Bear Wallow Road be paved with no widening

Mr. Bass – asked that Route 634 be graveled

Dave Bryant – asked that an intersection on Route 605 be looked at for safety improvements

No one else spoke. The public hearing was closed. Mr. Winkelmann moved to postpone the decision indefinitely. Mr. Burton seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr.
Larry L.
Weeks; Mr.
Joe
Winkelmann;
Mr. Wilbur W.
Burton; Mr.
James R.
Green, Jr.;
Mr. David C.
Mangum*

Nays: None

*Absent During
Vote: None*

*Abstention:
None*

SPECIAL EXCEPTION – ABE AND IRENE POLLIN, OWNERS/APPLICANTS

A public hearing was held to consider a request for special exception approval for Ahe

and Irene Pollin, Owners/Applicants, for a reduction in open space to subdivide the property into two lots of approximately 30 and 54 acres. The property is located on Old Carters Mill Road (Route 715), PIN #6091-08-6791, Scott District. Georgia Herbert, representing Mr. and Mrs. Pollin, spoke in favor of the request. No one else spoke. The public hearing was closed. Mr. Weeks moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr.
Larry L.
Weeks; Mr.
Joe
Winkelmann;
Mr. Wilbur W.
Burton; Mr.
James R.
Green, Jr.;
Mr. David C.
Mangum*

Nays: None

*Absent During
Vote: None*

*Abstention:
None*

RESOLUTION

A RESOLUTION TO APPROVE SPECIAL EXCEPTION REQUEST

#SE99-S-37 FOR ABE AND IRENE POLLIN, OWNERS / APPLICANTS

WHEREAS, Abe and Irene Pollin, owners/applicants, have filed a special exception under Category 26, Standards for Reduction in Open Space, of the Fauquier County Zoning Ordinance; and

WHEREAS, the special exception application of Abe and Irene Pollin has been properly filed and all required notices of the public hearings have been properly made, and the Applicant has presented evidence both oral and documentary, and staff has filed a staff report, all indicating compliance with the general standards for the special exception as set forth in Article 5 of the Zoning Ordinance and the Board further finds more restrictive standards of Article 5-2600 of said Zoning Ordinance are met in this application; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on August 26th, 1999, on this special exception request and recommended approval subject to one (1) condition; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 4th day of October 1999, That Special Exception #SE99-S-37, Abe and Irene Pollin, Owners/Applicants (PIN#6081-08-6791) be, and is hereby, approved subject to the following condition:

This approval is granted for subdividing the parcel into two lots, upon which each of the two new lots will be placed in Non-Common Open Space or a Conservation Easement.

REZONING REQUEST – JULIE MARTIN, OWNER/APPLICANT

A public hearing was held to consider a request from Julie Martin to amend a previously approved rezoning to permit construction of one fully camouflaged silo telecommunication facility. The property is zoned C-2 Conditional, contains five acres and is located on John Marshall Highway (Route 55), PIN #6021-63-5540, Marshall District. Michelle Rosati, representing Ms. Martin, asked that the matter be postponed and the public hearing continued. No one else spoke. Mr. Green moved to postpone the decision and continue the public hearing at the November 15, 1999 meeting. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr.
Larry L.
Weeks; Mr.
Joe
Winkelmann;
Mr. Wilbur W.
Burton; Mr.
James R.
Green, Jr.;
Mr. David C.
Mangum*

Nays: None

*Absent During
Vote: None*

*Abstention:
None*

COMPREHENSIVE PLAN AMENDMENT – STERLING HOMES CORPORATION, AND LILLIE A SMITH, OWNERS/APPLICANTS

A public hearing was held to consider a request from Sterling Homes Corporation, and Lillie A. Smith, Owners/Applicants, to amend the Comprehensive Plan to change the

alignment and right-of-way of a roadway in the Remington Service District Transportation Plan, PIN #6888-32-5186 and PIN #6888-32-2925, Lee District. Ben Tissue, representing the Owners, and Alton Willingham spoke in favor of the request. No one else spoke. The public hearing was closed. Mr. Mangum moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr.
Larry L.
Weeks; Mr.
Joe
Winkelmann;
Mr. Wilbur W.
Burton; Mr.
James R.
Green, Jr.;
Mr. David C.
Mangum*

Nays: None

*Absent During
Vote: None*

*Abstention:
None*

RESOLUTION

A RESOLUTION TO APPROVE COMPREHENSIVE

PLAN AMENDMENT #CPA99-L-07

WHEREAS, Sterling Homes Corp., Owner/Applicant, has filed an application to amend the Fauquier County Comprehensive Plan in accordance with the provisions of Article 13-202 of the Fauquier County Zoning Ordinance; and

WHEREAS, this amendment is to change the right-of-way and alignment of a roadway in the Remington Service District Transportation Plan in the Comprehensive Plan; and

WHEREAS, the proposed right-of-way would be 80 feet instead of 110 feet; and

WHEREAS, the proposed alignment would be north of the currently designated alignment; and

WHEREAS, the proposal meets the amendment criteria outlined in the Comprehensive

Plan; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on August 26, 1999, regarding this Comprehensive Plan Amendment; and

WHEREAS, the Fauquier County Planning Commission unanimously recommended approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 4th day of October 1999, That the Fauquier County Comprehensive Plan be, and is hereby, amended by changing the right-of-way from 110 feet to 80 feet and adjusting the designated alignment to the north of the proposed road in the Remington Service District Transportation Plan.

COMPREHENSIVE PLAN AMENDMENT AND REZONING REQUEST – LLOYD E. SCHWAB, OWNER, AND BENJAMIN C. GRAVETT FAMILY LIMITED PARTNERSHIP, APPLICANTS

A public hearing was held to consider a request from Lloyd E. Schwab, Owner, and Benjamin C. Gravett Family Limited Partnership, Applicants, to amend the Comprehensive Plan to include the subject parcel, plus two adjacent properties, into the Midland Service District and rezone the property from Rural Agricultural (RA) to General Industrial (I-2). The property is located on the northeast side of Midland Road (Route 610), directly across from the Midland Service District, PIN #7819-08-5767, Cedar Run District. Ben Jones, representing the applicant, spoke in favor of the request. Charles Moss spoke in opposition to a major industrial park and asked that the Board wait until the citizens planning group was formed and makes a recommendation regarding use of the area. The public hearing was closed. Mr. Burton moved to table the decision until the December 6, 1999 meeting. Mr. Winkelmann seconded.

Mr. Winkelmann moved to amend the motion to add that the Board of Supervisors move expeditiously to appoint the citizens committee for the Midland Service District in conjunction with the Cedar Run District Supervisor. Mr. Burton seconded, and the vote for the amended motion was unanimous as follows:

*Ayes: Mr.
Larry L.
Weeks; Mr.
Joe
Winkelmann;
Mr. Wilbur W.
Burton; Mr.
James R.
Green, Jr.;*

*Mr. David C.
Mangum*

Nays: None

*Absent During
Vote: None*

*Abstention:
None*

The vote for the original motion to table the decision until the December 6, 1999 meeting was unanimous as follows:

*Ayes: Mr.
Larry L.
Weeks; Mr.
Joe
Winkelmann;
Mr. Wilbur W.
Burton; Mr.
James R.
Green, Jr.;
Mr. David C.
Mangum*

Nays: None

*Absent During
Vote: None*

*Abstention:
None*

BOUNDARY LINE ADJUSTMENT – RAPPAHANNOCK AND FAUQUIER COUNTIES

A public hearing was held to consider authorizing the Chairman to sign an agreement to establish, relocate or change a portion of the boundary line between Fauquier and Rappahannock Counties. No one spoke. The public hearing was closed. Mr. Green moved to adopt the following resolution. Mr. Mangum seconded, and the vote for the motion was 4 to 0 as follows:

*Ayes: Mr.
Larry L.
Weeks; Mr.*

*Wilbur W.
Burton; Mr.
James R.
Green, Jr.;
Mr. David C.
Mangum*

Nays: None

*Absent During
Vote: Mr. Joe
Winkelmann*

*Abstention:
None*

RESOLUTION

A RESOLUTION TO AUTHORIZE THE CHAIRMAN
OF THE FAUQUIER BOARD OF SUPERVISORS TO
SIGN THE AGREEMENT TO ESTABLISH, RELOCATE
OR CHANGE A PORTION OF THE BOUNDARY LINE
BETWEEN FAUQUIER AND RAPPAHANNOCK COUNTIES

WHEREAS, Fauquier, Rappahannock and Warren Counties desire to establish, relocate or change a portion of the boundary line between them in order to resolve the uncertainty which now exists as to the location of the boundary in and near the village of Chester Gap, where all three counties have a common boundary corner; and

WHEREAS, the new boundary will not divide any parcel, but will follow the existing parcel boundary lines; and

WHEREAS, the Rappahannock County Attorney prepared a proposed boundary adjustment agreement to be effective December 31, 1999; and

WHEREAS, the Fauquier County Board of Supervisors held a public hearing on October 4, 1999 to solicit citizen comments regarding the proposed agreement; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 4th day of October 1999, That the Chairman be, and is hereby, authorized to sign the agreement with Rappahannock County.

BELL ATLANTIC – VIRGINIA REQUEST FOR EASEMENT OVER COUNTY PROPERTY ON KEITH STREET

A public hearing was held to consider a request from Bell Atlantic – Virginia for an easement across the Keith Street property to provide services to the Fauquier Family Shelter. No one spoke. The public hearing was closed. Mr. Green moved to adopt the following resolution. Mr. Mangum seconded, and the vote for the motion was 4 to 0 as follows:

*Ayes: Mr.
Larry L.
Weeks; Mr.
Wilbur W.
Burton; Mr.
James R.
Green, Jr.;
Mr. David C.
Mangum*

Nays: None

*Absent During
Vote: Mr. Joe
Winkelmann*

*Abstention:
None*

RESOLUTION

A RESOLUTION TO AUTHORIZE

THE COUNTY ADMINISTRATOR TO EXECUTE

A UTILITY EASEMENT AGREEMENT WITH

BELL ATLANTIC - VIRGINIA

WHEREAS, the Fauquier County Board of Supervisors is the owner of property known as the Keith Street property; and

WHEREAS, the Fauquier County Board of Supervisors did deed to Fauquier Family Shelter Services, Inc., a portion of the property known as the Keith Street property; and

WHEREAS, a necessary element is the provision of telephone services; and

WHEREAS, Bell Atlantic - Virginia has developed a proposed agreement in which the County will grant to Bell Atlantic - Virginia an easement over the Keith Street property; and

WHEREAS, after holding a public hearing to receive public comments, the Fauquier County Board of Supervisors has determined that it is appropriate to grant this easement to Bell Atlantic Virginia, Inc., for purposes of providing telephone service to the Keith Street property; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 4th day of October, 1999, That the County Administrator be, and is hereby, authorized to execute all documents necessary to grant to Bell Atlantic - Virginia, Inc., a utility easement of approximately 300 feet for the purpose of providing telephone service to the Keith Street property.

FAUQUIER COUNTY CODE AMENDMENT – SECTIONS 12-7(n) AND 12-13(b) – CONSIDER PROHIBITING ISSUANCE OF BUSINESS LICENSES UNTIL DELINQUENT TAXES HAVE BEEN PAID AND INCREASE ANNUAL GROSS RECEIPTS AMOUNT FOR EXEMPTION

A public hearing was held to consider amending Sections 12-7(n) and 12-13(b) of the Fauquier County Code to prohibit issuance of business licenses until delinquent taxes have been paid and increasing the annual gross receipts amount from \$10,000 to \$100,000. No one spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following ordinance. Mr. Green seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr.
Larry L.
Weeks; Mr.
Joe
Winkelmann;
Mr. Wilbur W.
Burton; Mr.
James R.
Green, Jr.;
Mr. David C.
Mangum*

Nays: None

*Absent During
Vote: None*

*Abstention:
None*

ORDINANCE

AN ORDINANCE ADDING SECTION 12-7(n) REQUIRING PAYMENT OF
CERTAIN DELINQUENT TAXES PRIOR TO ISSUANCE OF A
BUSINESS LICENSE AND AMENDING SECTION 12-13 OF THE
CODE OF FAUQUIER COUNTY TO RAISE THE EXEMPTION FROM
BUSINESS LICENSE FEES FROM \$10,000 TO \$100,000 IN GROSS RECEIPTS

WHEREAS, Virginia Code §58.1-3700 provides that a County may require that a business license not be issued unless certain delinquent taxes have been paid; and

WHEREAS, Section 12-13(b) of the Code of Fauquier County provides that those businesses with annual gross receipts from \$0.00 to \$10,000 shall be exempt from business license fees; and

WHEREAS, the Board of Supervisors has held a public hearing to receive citizen comment on a proposed amendment of Section 12-13(b) to raise the amount of annual gross receipts from \$10,000 to \$99,999.99 before a business shall be subject to business license fees; and

WHEREAS, by the adoption of this ordinance the Board of Supervisors determines that it is in the best interest of the citizens and businesses of Fauquier County to raise the amount of annual gross receipts from \$10,000 to \$99,999.99 before a business shall be subject to business license fees and also to prohibit the issuance of a business license until certain delinquent taxes have been paid; now, therefore, be it

ORDAINED by the Board of Supervisors of Fauquier County this 4th day of October 1999, That Chapter 12 relating to Licenses of the Code of Fauquier County be, and is hereby, amended as follows:

Add to Section 12-7 subsection (n) relating to failure to pay other taxes.

(n) Failure to pay other enumerated taxes. No business license under this chapter shall be issued until the applicant has produced satisfactory evidence that all delinquent business license, personal property and severance taxes owed by the business to Fauquier County have been paid which have been properly assessed against the applicant by the county.

Sec. 12-13. License Fees and Tax.

~~(a) Every person or business subject to licensure under the article shall be assessed and required to pay annually a minimum fee of~~

~~twenty dollars (\$20.00).~~

-

(a) ~~(b)~~ For businesses whose gross receipts are less than one hundred thousand dollars (\$100,000.00) ~~there shall be no license fee for the issuance of such license. a schedule for the issuance of such license shall be as enumerated:~~

~~Gross Receipts or Purchases License Fee~~

~~\$0.00 \$10,000.00 \$0.00~~

~~10,000.01 50,000.00 20.00~~

~~50,000.01 100,000.00 50.00~~

~~(b) (c)~~ In addition to the license fee specified in subsection (a) ~~above, and~~ Except as may be otherwise provided in section 58.1-3712, ~~section 58.1-3712~~ and section 58.1-3713 of the Code of Virginia, 1950, as amended, every such person or business with annual gross receipts of \$100,000 or more shall be assessed and required to pay annually a licenses tax on all the gross receipts of such person includable as provided in this article at a rate set forth below for the class of enterprise listed:

Amusements: ten cents (\$0.10) per one hundred dollars (\$100.00) gross receipts annually.

Bondsmen: one hundred fifty dollars (\$150.00) per license year.

Builders and developers: ten cents (\$0.10) per one hundred dollars (\$100.00) gross receipts annually.

Carnivals and circuses: fifty dollars (\$50.00) for each performance held in the county.

Coin-operated machines: three (3) to ten (10) machines, one hundred fifty dollars (\$150.00) per license year; ten (10) or more machines, two hundred dollars (\$200.00) per license year.

Coins and precious metals: ten cents (\$0.10) per one hundred dollars (\$100.00) gross receipts annually.

Consultant and specialized occupations: thirty cents (\$0.30) per one hundred dollars (\$100.00) gross receipts annually.

Contractors and persons constructing for their own account for sale: ten cents (\$0.10) per one hundred dollars (\$100.00) of gross receipts; annually.

Direct sellers as defined in section 58.1-3719.1 of the Code of Virginia, 1950, as amended, with total annual sales in excess of four thousand dollars, (\$4,000.00), ten cents (\$0.10) per one hundred dollars (\$100.00) of total annual retail sales or five cents (\$0.05) per one hundred dollars (100.00) of total annual wholesale sales, whichever is applicable.

Financial, real estate and professional services: thirty cents (\$0.30) per one hundred dollars (\$100.00) of gross receipts; annually.

Fortune tellers, clairvoyants and practitioners of palmistry: five hundred dollars (\$500.00) per license year.

Itinerant merchants or peddlers: five hundred dollars (\$500.00) per license year.

Peddlers at wholesale: (\$0.05) per one hundred dollars (\$100.00) on gross purchases; annually.

Permanent coliseums, arenas or auditoriums having a maximum capacity in excess of ten thousand (10,000) persons, open to the public: one thousand dollars (\$1,000.00) per license year; subject to limitations in Virginia Code section 58.1-3729.

Photographers: thirty dollars (\$30.00) per license year, subject to limitations in Virginia Code section 58.1-3727.

Public service corporations: one half ($\frac{1}{2}$) of one percent of the gross receipts; except, however, in the case of the telephone companies, charges for long distance telephone calls shall not be included in gross receipts for the purpose of computation of such license tax. This license tax shall be in addition to any tax levied by the county under the authority of Chapter 26 of Title 58.1 (section 58.1-2600 et seq.) of the Code of Virginia, 1950, as amended.

Repair, personal and business services and all other businesses and general occupations not specifically listed or exempted in this article or otherwise by law: twenty cents (\$0.20) per one hundred dollars (\$100.00) of gross receipts; annually.

Research and development business: three cents (\$0.03) per one hundred dollars (\$100.00) annually, of such research and development gross receipts. Every person engaged in the business of research and development other than those defined in section 12-2 ("Research and development business"), thirty cents (\$0.30) per one hundred dollars (\$100.00); annually of such research and development gross receipts.

Retailers: ten cents (\$0.10) per one hundred dollars (\$100.00); annually.

Savings institutions and credit unions: fifty dollars (\$50.00) per license year; and industrial loan associations or any agricultural association, five hundred dollars (\$500.00) per license year.

Wholesalers: five cents (\$0.05) per one

hundred dollars (\$100.00) of purchases annually.

FAUQUIER COUNTY CODE AMENDMENT – ARTICLE I, SECTION 13-1 – CONSIDER ADDING ROADS ON VINT HILL FARMS STATION TO THE COUNTY’S DESIGNATED HIGHWAY SYSTEM FOR LAW ENFORCEMENT PURPOSES

A public hearing was held to consider amending Article I, Section 13-1 of the Fauquier County Code to consider adding roads on Vint Hill to the County’s designated highway system for law enforcement purposes. Dennis Hunsberger, representing the Vint Hill Economic Development Authority, spoke in favor of the request and asked that the Board take action on this request at this meeting. No one else spoke. The public hearing was closed. Mr. Burton moved to adopt the following ordinance. Mr. Mangum seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr.
Larry L.
Weeks; Mr.
Joe
Winkelmann;
Mr. Wilbur W.
Burton; Mr.
James R.
Green, Jr.;
Mr. David C.
Mangum*

Nays: None

*Absent During
Vote: None*

*Abstention:
None*

ORDINANCE

AN ORDINANCE AMENDING ARTICLE I, SECTION 13-1. OF THE CODE OF FAUQUIER COUNTY TO ADD THE ROADS ON VINT HILL TO THE DESIGNATED HIGHWAYS OF FAUQUIER COUNTY FOR PURPOSES OF LAW ENFORCEMENT

WHEREAS, On September 17, 1999 the title to the property currently known as the Vint Hill Farms Station will transfer from the Army to the Vint Hill Economic Development Authority (VHDEA); and

WHEREAS the roads on the Vint Hill Farms Station are likewise being transferred to the

VHEDA; and

WHEREAS, these roads are not being accepted into the State system and are therefore considered private roads for purposes of law enforcement; and

WHEREAS, the designation of private road greatly restricts the Sheriff's Office in its ability to issue tickets for traffic violations; and

WHEREAS, the Board of Supervisors has the authority to include the roads on Vint Hill in its designated highway system which will provide the Sheriff with full law enforcement authority at Vint Hill Farms Station; and

WHEREAS, the Sheriff supports this amendment to the Code of Fauquier County; and

WHEREAS, the Board of Supervisors has, after due notice, held a public hearing to receive citizen comment on a proposed ordinance amendment adding the roads on Vint Hill Farms Station to the County's designated highways for purposes of law enforcement; and

WHEREAS, after receiving citizen comment on the proposed ordinance amendment, the Board of Supervisors deems it in the best interest of the County of Fauquier to approve the amendment to the Code of Fauquier County; now, therefore, be it

ORDAINED by the Board of Supervisors of Fauquier County this 4th day of October 1999, That Article I, Section 13-1. be, and is hereby, amended to read as follows:

ARTICLE I. IN GENERAL

Sec. 13-1. Adoption of State Law

Pursuant to the authority of section 46.2-1313 of the Code of Virginia, all of the provisions and requirements of the laws of the state contained in the title 46.2 of the Code of Virginia, except those provisions and requirements the violation of which constitutes a felony, and except those provisions and requirements which by their very nature can have no application to or within the county, are here adopted and incorporated herein by reference and made applicable within the county. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the county. Such provisions and requirements are hereby adopted, mutatis and mutandis, and made a part of this chapter as fully as though set forth at length herein, and it shall be unlawful for any person within the county to violate or fail, neglect or refuse to comply with any provision of title 46.2 of the Code of Virginia which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirements hereby exceed the penalty imposed for a similar offense under title 46.2 of the Code of Virginia. For law enforcement purposes, the entire width between the boundary lines of all private road and streets as the same are set forth in

the Fauquier County Official Street Name and Property Numbering Atlas, as well as all of the streets, roads, circles and courts within the Marsh Run Trailer Park and Vint Hill Farms Station are hereby designated highways, as the same is defined in section 46.2-100 of the Code of Virginia, 1950, as amended.

(Ord. No.90-1, 5/15/90; Ord. No. 90-8, 10/16/90; Ord. No. 93-3, 8/17/93; Ord. No. 94-6, 7/19/94).

**FAUQUIER COUNTY CODE AMENDMENT – SECTIONS 18.5-15 AND 18.5-17 –
CONSIDER A COST SHARE PROGRAM FOR CONTROL AND ERADICATION OF
JOHNSON GRASS**

A public hearing was held to consider amending Sections 18.5-15 and 18.5-17 of the Fauquier County Code to consider a cost share program for control and eradication of Johnson Grass. John Schied, Chairman of the Johnson Grass Committee, spoke in favor of the request. No one else spoke. The public hearing was closed. Mr. Burton moved to table the decision until the November 15, 1999 meeting in order for the Johnson Grass Committee to develop procedures for this program. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr.
Larry L.
Weeks; Mr.
Joe
Winkelmann;
Mr. Wilbur W.
Burton; Mr.
James R.
Green, Jr.;
Mr. David C.
Mangum*

Nays: None

*Absent During
Vote: None*

*Abstention:
None*

REVISION TO DEPARTMENT OF COMMUNITY DEVELOPMENT FEE SCHEDULE

A public hearing was held to consider revising the Department of Community Development Fee Schedule to reflect an increase in the land disturbing permit fee, the

addition of an erosion and sediment control fee for single family lots and a revision for the telecommunications special exception and site plan fee. John Schied spoke in favor. Merle Fallon spoke in opposition. The public hearing was closed. Mr. Winkelmann moved to postpone the decision until the October 18, 1999 meeting. Mr. Burton seconded, and the vote for the motion was 4 to 0 as follows:

*Ayes: Mr.
Larry L.
Weeks; Mr.
Joe
Winkelmann;
Mr. Wilbur W.
Burton; Mr.
Mr. David C.
Mangum*

Nays: None

*Absent During
Vote: James
R. Green, Jr.*

*Abstention:
None*

REZONING REQUEST – A.W. AND PHOEBE J. PATTON, OWNERS/APPLICANTS

A public hearing was held to consider a request from A.W. and Phoebe J. Patton, Owners/Applicants, to rezone 3.6 acres of a 5.9 acre parcel from R-1 to Village Commercial for uses that include a service station and retail sales facility. The property is located at the intersection of Route 610 and Route 806, in the Village of Elk Run, PIN #7818-96-5061 and PIN #7818-96-9243, Cedar Run District. Merle Fallon, representing Mr. and Mrs. Patton, Jackie Patton, Kathie Fitzsimmons, representing Summerville Youth Home, Paul Tresic, and Arthur Digges spoke in favor of the request. Tom Hansborough, Jamie Cooper, Lonnie Neville, Bob Flournoy, Charles Moss, and Bill Wright spoke in opposition. The public hearing was closed. Mr. Burton moved to adopt the following ordinance. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr.
Larry L.
Weeks; Mr.
Joe
Winkelmann;*

*Mr. Wilbur W.
Burton; Mr.
James R.
Green, Jr.;
Mr. David C.
Mangum*

Nays: None

*Absent During
Vote: None*

*Abstention:
None*

ORDINANCE

AN ORDINANCE TO APPROVE REZONING REQUEST

#RZ99-CR-08, PATTON PROPERTY

WHEREAS, the owners and applicants, A.W. and Phoebe J. Patton, have initiated a request to amend the Fauquier County Zoning Map by changing the designation for 3.6 acres of a 5.9 acres parcel, identified by parcel identification numbers 7818-96-5061 and 7818-96-9243, from R-1 to Village Commercial (VC); and

WHEREAS, the applicants have filed an application to amend the Fauquier County Zoning Ordinance in accordance with the provisions of Article 13-202; and

WHEREAS, the 3.6 acres are situated within the Elk Run Village; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on August 26, 1999, regarding this rezoning request; and

WHEREAS, the Fauquier County Planning Commission unanimously recommended approval; and

WHEREAS, the Board of Supervisors on October 4, 1999, held a public hearing on this rezoning request; and

WHEREAS, by the adoption of this Ordinance the Board of Supervisors has determined that the public necessity, convenience, general welfare, or good zoning practice is satisfied by this amendment to the Fauquier County Zoning Map; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 4th day of October 1999, That Rezoning Request #RZ99-CR-08 to change the zoning designation for 3.6 acres of a 5.9 acres parcel off of Route 610 and Route 806, identified as PIN #7818-96-5061

and PIN #7818-96-9243 and shown on the attached parcel location map, from R-1 (Residential) to VC (Village Commercial) be, and is hereby approved with proffers.

With no further business, the meeting was adjourned.